

# **RESOLUTION 2009-12**

RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
**JAMES IRRIGATION DISTRICT**

**ADOPTION OF WATER AUGMENTATION PROJECT**

**INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
MITIGATION MONITORING AND REPORTING PROGRAM  
AND  
NOTICE OF DETERMINATION  
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code Section 21000, *et seq.*, "CEQA")**

At a meeting of the Board of Directors of the JAMES IRRIGATION DISTRICT, a public Irrigation District organized and existing under the Irrigation District Law (California Water Code, Division 11, Section 20,500 *et seq.*) of the State of California, held on the 14<sup>th</sup> day of July, 2009, the following resolution was adopted:

**WHEREAS**, the District proposes adoption of the Water Augmentation Project ("Project") for the purpose of providing regulation, recharge, banking, storage and recovery of water for the continued irrigation of crops in the District's service area. The Project provides for the construction and operation of certain water recharge/banking/regulation basins in the "uplands area" of the Fresno Slough Bypass. In accordance with the District's existing rights to Central Valley Project water and waters of the Kings River, available water supplies will be regulated, recharged and banked for irrigation of crops in the District; and

**WHEREAS**, the District has provided a written Notice of its Intent to adopt the proposed Mitigated Negative Declaration for the Water Augmentation Project, sufficiently prior to this date, to allow the public and agencies the review period provided under the Guidelines for CEQA (California Code of Regulations, Title 14, Chapter 3.); and

**WHEREAS**, notice of the District's Notice of Intent to adopt the proposed Mitigated Negative Declaration and Initial Study was submitted on May 1, 2009, to the State Clearinghouse (SCH #2009051006) for review by State agencies for a period not less than thirty (30) days, beginning May 4, 2009, and ending June 2, 2009; and

**WHEREAS**, public notice of the District's Notice of Intent to adopt the proposed Mitigated Negative Declaration for the Water Augmentation Project was filed on May 20, 2009, in the county within which the Project is located, that being the County Clerk, in and for the County of Fresno (Document #E200910000160); and

**WHEREAS**, public notice of the District's Notice of Intent to adopt the proposed Mitigated Negative Declaration for the Water Augmentation Project was published by the District one time on May 23, 2009 in The Fresno Bee, a newspaper of general circulation in the area affected by the proposed Project; and

**WHEREAS**, the District received one (1) written comment from the Native American Heritage Commission dated May 28, 2009, during the statutory public review process and has considered that comment and the recommended response prepared by District staff; and

**WHEREAS**, the proposed Mitigated Negative Declaration dated May 1, 2009, was not substantially revised after public notice of its availability for review and comment was given pursuant to CEQA; and

**WHEREAS**, all comments and responses and the whole record of the Project is available to the general public at the District's business offices located at 8749 Ninth Street, San Joaquin, California; and

**WHEREAS**, in consideration of the revisions in the Project plans or proposals made by, and agreed to by the District as provided in the Mitigated Negative Declaration dated May 1, 2009, all potentially significant effects on the environment identified in the Initial Study are avoided or mitigated to the point where clearly no significant effect on the environment would occur; and

**WHEREAS**, the Mitigation Monitoring and Reporting Program for the Water Augmentation Project, which is a condition of the District's adoption of the proposed Mitigated Negative Declaration, is designed to ensure compliance during Project implementation of the changes made to the Project adopted by the District in order to mitigate or avoid potential significant effects on the environment; and

**WHEREAS**, there is not substantial evidence, in light of the whole record before the District, that the Project as revised, may have a significant effect on the environment; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration reflects the independent judgment of the District; and

**WHEREAS**, the adoption of the Project is in the public interest of the District in furtherance of its authorized purposes.


**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the JAMES IRRIGATION DISTRICT as follows:

1. That the Initial Study/Mitigated Negative Declaration for the Water Augmentation Project dated May 1, 2009, is adopted.
2. That the Mitigation Monitoring and Reporting Program for the Water Augmentation Project dated July 14, 2009, is adopted.

3. That the Notice of Determination for the Water Augmentation Project dated July 14, 2009, is adopted.
4. That the Board of Directors hereby directs the General Manager to provide the recommended written response to the letter comment received from the Native American Heritage Commission with regard to the proposed Mitigated Negative Declaration for the Water Augmentation Project.
5. That the Board of Directors hereby directs the General Manager to file the adopted Notice of Determination with the County Clerk for the County of Fresno within five (5) working days after the adoption of this resolution approving the Project.

The foregoing Resolution was introduced and adopted at a Regular Meeting of the Board of Directors of the JAMES IRRIGATION DISTRICT conducted July 14<sup>th</sup>, 2009, on motion of Director Michael Carvalho, and seconded by Director George Ayerza, Sr., was hereby authorized by the following vote, to wit:

AYES:	5	(Carvaho, Ayerza, Chaney, Motte, Hale)
NOES:	0	
ABSTAIN:	0	
EXCUSED:	0	
ABSENT:	0	



Kenneth R. Hale, President  
BOARD OF DIRECTORS  
JAMES IRRIGATION DISTRICT

ATTEST:



Donna Y. Hanneman, Secretary  
BOARD OF DIRECTORS  
JAMES IRRIGATION DISTRICT

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**CERTIFICATION OF SECRETARY**

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The undersigned certifies that she is the Secretary of JAMES IRRIGATION DISTRICT and that the foregoing Resolution was adopted by the Board of Directors of said District at a meeting thereof, duly and regularly held on July 14<sup>th</sup> 2009 , at which meeting a quorum of the Board of Directors was at all times present and acting.

IN WITNESS WHEREOF, I have set my hand and seal of the Board of Directors this 14<sup>th</sup> day of July, 2009 .

{ SEAL }



Donna Y. Hanneman, Secretary

BOARD OF DIRECTORS

JAMES IRRIGATION DISTRICT